

DOCKET NO.: 328474US79PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

GROUP: 2614

Jean-Christophe AMIEL, et al.

SERIAL NO: 10/524,365

EXAMINER: EL-ZOOBI, MARIA

FILED: August 23, 2005

FOR: METHOD FOR REAL-TIME BROADCASTING OF MULTIMEDIA FILES
DURING A VIDEOCONFERENCE, WITHOUT INTERRUPTING
COMMUNICATION, AND A MAN-MACHINE INTERFACE THEREFOR

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

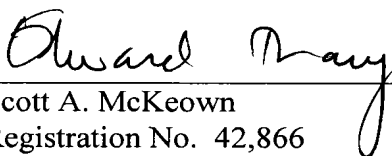
This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s). No more than five (5) pages are provided.

I am the attorney or agent of record.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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JEAN-CHRISTOPHE AMIEL, ET AL. : EXAMINER: EL-ZOOBI, MARIA
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FILED: AUGUST 23, 2005 : GROUP ART UNIT: 2614
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REMARKS ACCOMPANYING
PRE-APPEAL BRIEF REQUEST FOR REVIEW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants respectfully request that a Pre-Appeal Brief Conference be initiated in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

FAILURE TO PRESENT A *PRIMA FACIE* CASE OF OBVIOUSNESS

The Official Action has rejected Claims 14, 20-23 and 24 under 35 U.S.C. §103 as being unpatentable over Canova in view of Trinca. The Official Action contends that the combination of these references provides all of the Applicants' claimed features. Applicants respectfully traverse the rejection.

Applicants' Claim 14 recites, a method of broadcasting multimedia data files during a video conference established between a sending terminal and one or more receiving terminals equipped with audio and video sources, including:

. . . mixing in real time in the sending terminal, the video issuing from a multimedia file with the video issuing from the video capture source, in response to an action performed by a participant via a user interface of said sending terminal to broadcast said multimedia file;

broadcasting by the sending terminal, through the audio and video channels opened for said communication according to the negotiated at least one communication parameter and without disrupting the communication, the mixed video resulting from the mixing and coded according to said video coding standard, in replacement of the video issuing from the video capture source of the sending terminal, and the audio issuing from the audio source of the sending terminal.
(emphasis added)

Canova describes, as shown in Figure 1, a mobile device (10) placed into a cradle (94) for transmission of data from the mobile device to a personal computer or other network accessible location. The mobile device (10) includes a microphone (30), a speaker (50) and a camera (50).¹ Video conferencing may be conducted with the mobile device (10) and multiple participants of the conference may be shown in multiple windows of the display of the mobile device.²

Trinca describes a method of conducting video conferences utilizing a directional room (1) which simultaneously receives signals AV from all users (2) connected to the video conference.

As pointed out in the Applicant's Response after Final Rejection, the Office appears to take the position that Canova describes broadcasting by the sending terminal, through audio and video channels opened for communication according to a negotiated at least one communication parameter and without disrupting communication, the mixed video resulting in from the mixing. However, the aspects of Canova cited for describing these features are deficient in this regard. For example, the Office identifies column 7, lines 10-20 of Canova which describe that a user can listen to an audio presentation of the content while physically

¹ See Canova at column 3, lines 12-32.

² See Canova at column 6, lines 32-65.

reviewing a paper document. Likewise, the Office cites column 6, lines 32-40 of Canova as describing that a user may select a different video presentation for viewing, thus, disrupting the view of the original teleconference.

Yet, the Applicants claims recite that mixed video is broadcast though the audio and video channels open for communication without disrupting the communication. On the other hand, in order to support the rejection, the Office has merely identified a portion of Canova in which a user may switch between display options. It is unclear what if anything is this portion of Canova has to do with the current claim language. Simply stated, the Office appears to have ignored the aspect of the claim which states that the disruption is avoided relative to a transmission of mixed audio and video. Indeed, the Official Action notes at page 4, that Canova does not disclose or suggest broadcasting the mixed video in replacement of the video issuing from the video capture source and the audio issuing from the audio source of the assembly terminal . In this regard, the Office cites Trinca.

As noted above, Trinca discloses a direct room (1) for mixing audio/video signals. To the extent the combination of references is understood, the Office appears to take the position that providing the mixing room to Canova somehow satisfies the claim feature of “mixing in real time at the sending terminal.” Clearly, Trinca is a multi-room video production facility not a terminal in accordance with the Applicants claims. Moreover, Trinca certainly does not disclose or suggest any negotiated video coding standard of a sending and receiving terminal utilized to replace video issuing from a video capture source of the terminal. Furthermore, it is noted that the current claims require that the mixing in real time at the sending terminal is in response to an action performed by a participant via a user interface of the sending terminal. As the Office has not identified anywhere in the current outstanding action how the multi-room production facility of Trinca in any way map to the currently claimed terminal

device, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented.

The Advisory Action of April 2, 2009 provided the following explanation:

Applicant argues that Trinca does not disclose “negotiated video coding standard of a sending and receiving terminal utilized to replace video issuing from a video capture source of the terminal”, Applicants arguments contain details not disclosed in the claim language, the claim is broader than the Applicants argument.

As underlined claim 14 (page 2 above) shows quite clearly, the Applicants distinctions directly correlate to the claim language. Very clearly, the Advisory Action is simply wrong. None of the above noted distinctions have been rebutted by the Office, instead, a confusing statement as to the breadth of the Applicants claims has been provided.

Accordingly, Applicants respectfully request that the rejection of Claims 14, 20-23 and 25 under 35 U.S.C. §103 be withdrawn.

As the rejection of Claims 15-19, 23 and 25 are also dependent upon the above-noted utilization of the Canova and Trinca references, and, as these references are deficient for providing the features upon which the Office relies, Applicants respectfully submits that a *prima facie* case of obviousness has likewise not been presented with respect to these claims.

Accordingly, Applicants respectfully request that the rejection of Claims 15-19, 23 and 25 under 35 U.S.C. §103 be withdrawn.

Conversely, the Applicants’ claims require mixing in real time and the sending terminal, the video issuing from a multimedia file with video issuing from the video data capture source. This mixing is performed in response to an action performed by a participant via a user interface of the sending terminal. This mixed video is coded according to the video coding standard previously negotiated and is provided as a replacement of the video issuing

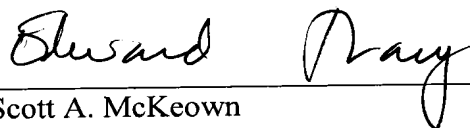
from the video capture source of the sending terminal and the audio issuing from the audio source of the sending terminal.

CONCLUSION

Based on this clear legal deficiency in the above-noted rejection, Applicants respectfully request that prosecution be re-opened as the current grounds of rejection have not been clearly developed to such an extent that the Applicants can readily judge the Examiner's position or the advisability of preparing a traditional Appeal Brief.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "Edward Tracy", is written over a horizontal line.

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